

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

**NATHANIEL THOMAS PETTIFORD,
JR.** : **CIVIL ACTION NO.: 3:12-CV-2883**

VERSUS : **JUDGE: ROBERT G. JAMES**

**GRAPHIC PACKAGING
INTERNATIONAL, INC.** : **MAGISTRATE: KAREN L. HAYES**

STATEMENT OF UNDISPUTED FACTS

NOW INTO COURT through undersigned counsel comes defendant, GRAPHIC PACKAGING INTERNATIONAL, INC., (“GPI,” herein), and submits the following Statement of Undisputed Facts in support of its Motion for Summary Judgment as follows:

1.

Plaintiff was an employee of and in the course and scope of his employment with B&D on May 25, 2011.

2.

Plaintiff was performing work at the GPI plant in West Monroe, LA on May 25, 2011.

3.

Plaintiff was working pursuant to a purchase order contract agreed upon between GPI and B&D on May 19, 2011.

4.

The purchase order included the following instruction, “Instructions to Seller: the clauses printed on the attachment hereof and any supplemental conditions attached hereto are essential terms of this order.”

5.

Section 13 of the general terms and conditions attached to the purchase order stated, “if services are to be performed at Buyer’s facilities in the state of Louisiana, it is agreed that pursuant to the provisions of Louisiana Revised Statutes 23:1061(A)(3), that it is the intent and agreement of the parties hereto that the relationship of the Buyer (owner) to the direct employees and the statutory employees of the Seller (contractor) be that of a statutory employer.”

6.

The work performed by B&D and plaintiff pursuant to the purchase order agreement with GPI was/is an integral part of and was/is essential to the ability of GPI to generate its goods and products.

7.

B&D was contracted to perform the gear change because all GPI personnel capable of performing the job were required in other areas at the time of the May 25, 2011 outage.

Respectfully submitted,

MAYER, SMITH & ROBERTS, L.L.P.
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CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system and has been sent to all known counsel of record by operation of the court's electronic filing system, e-mail, facsimile, or by placing same in the United States Mail properly addressed and with adequate postage prepaid thereon.

Shreveport, Caddo Parish, Louisiana, this 30th day of January, 2013.

s/J. Kris Jackson
OF COUNSEL